

02-10159 Rec'd PCT/PTO 06 FEB 2007

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV 678 112 981 US

Express Mail Label Number

Feb. 6, 2007

Date of Deposit

Form PTO-1390-MOD
(REV. 10-98)

U. S. Department of Commerce Patent and Trademark Office

ATTORNEY'S DOCKET NUMBER

33422- US- PCT

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.

PCT/EP2004/011653

INTERNATIONAL FILING DATE

15 October 2004 (15.10.04)

PRIORITY DATE CLAIMED

17 October 2003 (17.10.03)

TITLE OF INVENTION

ANTIBIOTIC COMPOSITIONS

APPLICANT(S) FOR DO/EO/US

NANDI ET AL.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau. (See Form PCT/IB/308)
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An executed Declaration and Power of Attorney (original or copy) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included.

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/EP2004/011653		ATTORNEY'S DOCKET NUMBER 33422- US- PCT	
---	--	---	--	---	--

The following fees are submitted:				CALCULATIONS PTO USE ONLY	
21. <input type="checkbox"/> Basic national fee. \$					
22. Examination Fee <input type="checkbox"/> If International preliminary examination report was prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) \$ <input type="checkbox"/> All other situations. \$					
23. Search fee <input type="checkbox"/> If Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority. \$ <input type="checkbox"/> If International Search Report was prepared and provided to the Office. . . \$ <input type="checkbox"/> All other situations. \$					
TOTAL OF 21, 22 AND 23 =				\$	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		X \$ 250	\$	
Surcharge of \$130 for furnishing the oath of declaration later than <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		X \$ 50	\$	
Independent claims	- 3 =		X \$ 200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$ 360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	
SUBTOTAL =				\$	
Processing fee of \$130 for furnishing the English translation later than <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				\$	
TOTAL FEES ENCLOSED =				\$ 130.00	
				Amount to be: refunded	\$
				charged	\$

a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.

b. ☒ Please charge Deposit Account No. 19-0134 in the name of Novartis in the amount of \$130.00 to cover the above fees. A duplicate copy of this form is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0134 in the name of Novartis.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.477(a) or (b)) must be filed and granted to restore the application to pending status. 02/12/2007 GFREY1 8888847 190134 1.1004691

Send all correspondence to the address associated with Customer No. 001095, which is currently:

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080

01 FC:1617 130.00 DA

John D. Thallemer
John D. Thallemer
Attorney for Applicants
Reg. No. 34,940
(609) 627-8507



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/575,691	Indrani NANDI	33422-US-PCT

1095
 NOVARTIS
 CORPORATE INTELLECTUAL PROPERTY
 ONE HEALTH PLAZA 104/3
 EAST HANOVER, NJ 07936-1080

INTERNATIONAL APPLICATION NO.	
PCT/EP04/11653	
I.A. FILING DATE	PRIORITY DATE
10/15/2004	10/17/2003

CONFIRMATION NO. 3572

371 FORMALITIES LETTER



OC000000022144776

Date Mailed: 01/25/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/13/2006
- Copy of the International Search Report filed on 04/13/2006
- Preliminary Amendments filed on 04/13/2006
- Information Disclosure Statements filed on 06/08/2006
- Oath or Declaration filed on 04/13/2006
- U.S. Basic National Fees filed on 04/13/2006
- Priority Documents filed on 04/13/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/575,691	PCT/EP04/11653	33422-US-PCT